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JFW



**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant  
application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/750,897         |
| Filing Date            | January 5, 2004    |
| Examiner Name          | Bernarr E. Gregory |
| First Named Inventor   | James L. Richards  |
| Group Art Unit         | 3662               |
| Attorney Docket Number | 28549-198628       |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 2, 2004  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 22-0261
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$395.00
- ii. ☐ Second Month Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                    |                 |                                   |          |
|--------------------|-----------------|-----------------------------------|----------|
| Name (Print /Type) | Robert S. Bahay | Registration No. (Attorney/Agent) | 33,471   |
| Signature          |                 | Date                              | 10/10/04 |

VENABLE  
P.O. Box 34385  
Washington, DC 20043-9998

SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450.  
PC Docs No. :ODMA\PCDOCS\DC2DOCS\158661111

10/07/2004 SDENBOB1 00000104 220261 10750897  
01 FC:2801 395.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2004**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 395

**Complete if Known**

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/750,897        |
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| First Named Inventor | James L. Richards |
| Examiner Name        | Benarr E. Gregory |
| Group / Art Unit     | 3662              |
| Attorney Docket No.  | 28549-198628      |

**METHOD OF PAYMENT (check one)**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

22-0261

Deposit  
Account  
Name

Venable LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit card ☐ Money  
Order ☐ Other
**FEE CALCULATION****1. BASIC FILING FEE**

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description        | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 1001                 | 770                   | 2001                 | 385                   | Utility filing fee     |          |
| 1002                 | 340                   | 2002                 | 170                   | Design filing fee      |          |
| 1003                 | 530                   | 2003                 | 265                   | Plant filing fee       |          |
| 1004                 | 770                   | 2004                 | 385                   | Reissue filing fee     |          |
| 1005                 | 160                   | 2005                 | 80                    | Provisional filing fee |          |

SUBTOTAL (1)

(\$ 0)

**2. EXTRA CLAIM FEES**

| Total Claims          | Extra<br>Claims | Fee from<br>below | Fee Paid |
|-----------------------|-----------------|-------------------|----------|
| Independent<br>Claims | 0               | 0                 | 0        |
| Multiple<br>Dependent | 0               | 0                 | 0        |

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 1202                 | 18                    | 2202                 | 9                     | Claims in excess of 20                                     |
| 1201                 | 86                    | 2201                 | 43                    | Independent claims in excess of 3                          |
| 1203                 | 290                   | 2204                 | 145                   | Multiple dependent claim, if not paid                      |
| 1204                 | 86                    | 2204                 | 43                    | ** Reissue independent claims over original patent         |
| 1205                 | 18                    | 2205                 | 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

| Large<br>Entity<br>Fee<br>Code | Large<br>Entity<br>Fee<br>(\$) | Small<br>Entity<br>Fee<br>Code | Small<br>Entity<br>Fee<br>(\$) | Fee Description  | Fee Paid |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--|----------|
| 1051                           | 130                            | 2051                           | 65                             | Surcharge - late filing fee or oath  |          |
| 1052                           | 50                             | 2052                           | 25                             | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                           | 130                            | 1053                           | 130                            | Non-English specification  |          |
| 1812                           | 2,520                          | 1812                           | 2,520                          | For filing a request for reexamination                                     |          |
| 1804                           | 920*                           | 1804                           | 920*                           | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                           | 1,840*                         | 1805                           | 1,840*                         | Requesting publication of SIR after Examiner action                        |          |
| 1251                           | 110                            | 2215                           | 55                             | Extension for reply within first month                                     |          |
| 1252                           | 420                            | 2252                           | 210                            | Extension for reply within second month                                    |          |
| 1253                           | 950                            | 2253                           | 475                            | Extension for reply within third month                                     |          |
| 1254                           | 1,480                          | 2254                           | 740                            | Extension for reply within fourth month                                    |          |
| 1255                           | 2010                           | 2255                           | 1005                           | Extension for reply within fifth month                                     |          |
| 1401                           | 330                            | 2401                           | 165                            | Notice of Appeal   |          |
| 1402                           | 330                            | 2402                           | 165                            | Filing a brief in support of an appeal                                     |          |
| 1403                           | 290                            | 2403                           | 145                            | Request for oral hearing   |          |
| 1451                           | 1,510                          | 1451                           | 1,510                          | Petition to institute a public use proceeding                              |          |
| 1452                           | 110                            | 2452                           | 55                             | Petition to revive - unavoidable   |          |
| 1453                           | 1,330                          | 2453                           | 665                            | Petition to revive - unintentional   |          |
| 1501                           | 1,330                          | 2501                           | 665                            | Utility issue fee (or reissue)   |          |
| 1502                           | 480                            | 2502                           | 240                            | Design issue fee   |          |
| 1503                           | 640                            | 25403                          | 320                            | Plant issue fee  |          |
| 1460                           | 130                            | 1460                           | 130                            | Petitions to the Commissioner  |          |
| 1807                           | 50                             | 1807                           | 50                             | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1808                           | 180                            | 1808                           | 180                            | Submission of Information Disclosure Stmt                                  |          |
| 8021                           | 40                             | 8021                           | 40                             | Recording each patent assignment per property (times number of properties) |          |
| 1809                           | 770                            | 2809                           | 385                            | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810                           | 770                            | 2810                           | 385                            | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801                           | 770                            | 2801                           | 385                            | Request for Continued Examination (RCE)                                    | 395      |
| 1802                           | 900                            | 1802                           | 900                            | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 395)

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)

Robert Babayui

Registration No. Attorney/Agent<sup>†</sup>

33,471

Telephone

202-344-4045

Signature

Date

10/6/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SEND TO: Commissioner for Patents, Mail Stop Patent Application, Alexandria, VA 22313-1450.

**VENABLE**  
ATTORNEYS AT LAW

PC Docs No.